

DOCKET NO. 98-250-E - ORDER NO. 98-701

SEPTEMBER 14, 1998

IN RE: Request of Carolina Power & Light Company) ORDER DENYING
to Introduce Curtailable Load Rider CL.) PETITION FOR
) RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Reconsideration of Commission Order No. 98-573 filed by Carolina Power & Light (CP&L). For the reasons stated below, the Petition must be denied.

Our Order No. 98-573 granted a hearing on a new non-residential curtailable load rider identified as Rider CL, because of various questions raised by Nucor Steel. CP&L now Petitions us for reconsideration of that Order. The grounds for said Petition, in summary, are: 1) the rider will only be attractive to a very limited number of customers; and 2) the underlying data upon which the credit was calculated has already been approved by the Commission. CP&L further urges approval of this tariff pursuant to S.C. Code Ann. Section 58-27-870(F), without notice or hearing.

Nucor Steel has filed a response to the Petition, stating several grounds: 1) Rider CL is a proposed rate increase that merits a full evidentiary hearing; 2) CP&L mistakes a reasonable exercise of Commission discretion for Commission error; and 3) the

Commission should not permit factually contested cases to be decided without discovery and hearing by what is, in effect, a request for summary judgment.

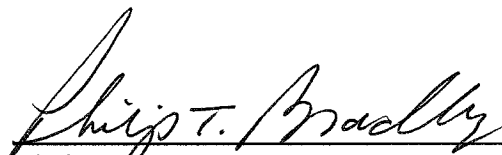
We do not think that CP&L states compelling grounds for reconsideration. Nucor has alleged that Rider CL is unjust and may be unduly discriminatory. Further, approval of the “underlying” data does not necessarily mandate approval of the Rider itself.

In addition, the use of S.C. Code Ann. Section 58-27-870(F) is clearly discretionary with this Commission. This is evidenced by the use of the word “may” in the statute. If we deem it appropriate, we can mandate notice and a hearing.

In short, we have not changed our minds about this case. We affirm our prior Order.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

(SEAL)